

Environmental Letter 14-005

Received 01-30-2014

COMMONWEALTH of VIRGINIA

Molly Joseph Ward
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

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January 30, 2014

Mr. M. Anthony Miano
Operations Manager
Alliant Techsystems Operations LLC
State Route 114
P. O. Box 6
Radford, VA 24143-0096

NOTICE OF VIOLATION

RE: New River Energetics
Registration No. 21258
Notice of Violation AWCRO #8858

Dear Mr. Miano:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that Alliant Techsystems Operations LLC (ATK) may be in violation of the Air Pollution Control Law and Regulations, at the New River Energetics (NRE) facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Air Pollution Control Law and Regulations. Pursuant to Va. Code § 10.1-1309(A)(vi), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA). DEQ requests that you respond **within 10 days of the date of this letter**.

OBSERVATIONS AND LEGAL REQUIREMENTS

On January 28, 2014, DEQ Blue Ridge Regional Office staff conducted a Partial Compliance Evaluation of the facility records submitted by ATK. The submittal was the Annual Update for Calendar Year 2013 and 2013 Emission Statement, which were received electronically by the Department on January 28, 2014. The following describes the staff's factual observations and identifies the applicable legal requirements:

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Observations: The facility reported that the VOC emissions from the operation of the multibase propellant line were 91.03 tons for calendar year 2013.

Legal Requirements: Condition No. 10 of the July 2, 2012 Stationary Source Permit to Construct and Operate states in part:

Emissions from the operation of the multibase propellant line shall not exceed the limits specified below:

VOC:

17.0 lbs/hr

59.4 tons/yr

VOC emissions shall be calculated in accordance with Condition 8.

(9 VAC 5-80-1180 and 9 VAC 5-50-260)

****9 VAC 5-170-160 (A) – (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: "The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits."***

****Va. Code § 10.1-1322 (A) gives the Department the authority to issue, amend, revoke or terminate and reissue permits, and failure to comply with any condition of a permit is considered a violation of the Air Pollution Control Law.***

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1316 of the Air Pollution Control Law provides for an injunction for any violation of the Air Pollution Control Law, the Air Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Air Pollution Control Law, regulation, order, or permit condition. In addition, Va. Code §§ 10.1-1307 and 10.1-1309 authorizes the Air Pollution Control Board to issue orders to any person to comply with the Air Pollution Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Air Pollution Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1320 and 10.1-1309.1 provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

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FUTURE ACTIONS

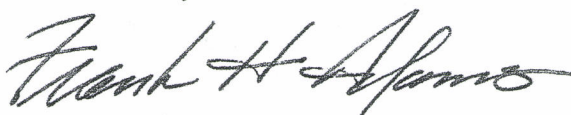
DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Alliant Techsystems Operations LLC may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at:

http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Dispute_Resolution_8260532.pdf or ask the DEQ contact listed below.

Please contact Robert Steele at (540) 562-6777 or Robert.Steele@deq.virginia.gov **within 10 days of the date of this letter** to discuss this matter and arrange a meeting.

Sincerely,



Frank H. Adams
Air Compliance Manager

cc: New River Energetics – Enforcement File
Mary Monroe – DEQ
Robert Steele - DEQ

